

### **REMARKS**

In response to the Final Office Action mailed June 3, 2010, Applicants respectfully request reconsideration. Claims 66, 67, 71, 74, 75, 77, 78, 82, 174, 175, 181, 184-190 and 192 were previously pending in this application. By this amendment, claims 66, 174, 184-186 and 189 have been amended. Claims 190 and 192 have been canceled. New claims 193 and 194 have been added. As a result, claims 66, 67, 71, 74, 75, 77, 78, 82, 174, 175, 181, 184-189 and 193-194 are pending for examination with claims 66, 186 and 192 being independent claims. No new matter has been added.

#### **Interview Summary**

Applicants thank the Examiner for the courtesies of granting and conducting a telephone interview on July 13, 2010. During the interview, the issues raised in the Office Action of June 3, 2010 were discussed. In regards the rejection under 35 U.S.C. §112, it was discussed that the “the modeled other state attribute values” in lines 21-22 refers to the “other state attributes” that are recited as having been modeled in line 18. Accordingly, it was agreed that the claim is sufficiently clear.

The rejection under 35 U.S.C. §101 was discussed, but no agreement was reached. Additionally, the Examiner suggested that claim 66 be amended to recite “at least one processor,” which has been done in the attached amendments.

The rejections under 35 U.S.C. §102 were discussed. Applicants proposed to amend claim 186 such that the phrases, identified in the Office Action as having been given no patentable weight would be recognized as a portion of the claim. Such amendments are presented herein.

#### **Claim Rejections – 35 U.S.C. §112**

As noted in the Interview Summary, Applicants have explained that claim 66, and its dependent claims, are sufficiently clear, and this rejection should be withdrawn.

The rejection for claim 192 is now moot because claim 192 has been canceled.

#### **Objection to the Specification**

The objection to the specification is now moot because claim 190 has been canceled.

Claim Rejections – 35 U.S.C. §101

The rejection is now moot. Claims 191 and 192 have been canceled. Claims 184 and 185 have been rewritten as method claims dependent from independent claim 66. Accordingly, the basis for the rejection no longer applies and the rejection should be withdrawn.

Claim Rejections – 35 U.S.C. §102

The Office Action rejects claims 184 to 190 and 192 under 35 U.S.C. §102 based on Jacobson (U.S. Patent No. 6,198,394). Applicants respectfully traverse the rejection to the extent it is maintained over the claim as amended.

The premise of the rejection is that phrases in claim 186 reciting “wirelessly receive sensor data from the mobile computer” and “transmitting the at least a portion of the current state from the system to the remote computer, the at least a portion of the current state including the second value indicating the user activity” are given no patentable weight. Claim 186 has been amended and these phrases now form a limitation of the claim and should be considered in identifying ways that the claim distinguishes over Jacobson.

When these limitations are considered, it is clear that claim 186 distinguishes over Jacobson. The cited passage of Jacobson in column 14 describes a command unit that obtains location information and physiological status. However, the command unit of Jacobson does not use the location data or physiological status to model “a second value of a second state attribute...the second value modeled my abstracting a user activity derived from the first values, the first values being from a lower level of abstraction than the second value.” Further, the command unit of Jacobson does not transmit “the at least apportion of the current state from the system to the mobile computer, the at least a portion of the current state including the second value indicating the user activity.” Accordingly, claim 186 as amended distinguishes over Jacobson, and the rejection should be withdrawn.

General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

New Claims 193 and 194

For reasons that should be apparent from the discussion of the references above that claims 193 and 194 recite limitations that patentably distinguish over the art of record. Accordingly, these claims are believed to be in condition for allowance.

**CONCLUSION**

Applicants believe that the application is now in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. M1103.70784US00 from which the undersigned is authorized to draw.

Dated:

*August 24, 2010*

Respectfully submitted,

By 

Edmund J. Walsh

Registration No.: 32,950

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

617.646.8000